S
725.109786
M26cca
2002

MONTANA STATE LIBRARY
3 0864 1001 7231 4

# Capitol Complex Advisory Council
# Report to the 58th Montana Legislature
# November 2002

## Introduction

In 1997, the Montana Legislature enacted House Bill No. 123 (Chapter No. 476, Laws of 1997), an act authorizing the appointment of the Capitol Complex Advisory Council. This legislation was introduced at the request of the Department of Administration to ensure that requests for placement of busts, statues, memorials, and other permanent displays in the Capitol or the adjacent grounds were subject to thorough, unbiased, and equitable scrutiny by an advisory group consisting of individuals knowledgeable and interested in the historical preservation of the Capitol Complex. Under this legislation, the Legislature continues to make the final determination on permanently displayed items. However, the act provides an advisory process that legislators may rely upon in making these decisions. A copy of the enabling legislation is contained in Appendix A.

The Capitol Complex Advisory Council consists of nine members as follows:

- four legislators, two from each house
- a public representative
- the director or the director's designee of each of the following agencies:
  - the Montana Historical Society
  - the Montana Arts Council
  - the Department of Administration
  - the Department of Fish, Wildlife, and Parks.

STATE DOCUMENTS COLLECTION

JAN 14 2003

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

A list of the Council's current membership is contained in Appendix B.

The statutory duties and responsibilities assigned to the Council include:

- reviewing proposals for permanent displays or the naming of state buildings on the Capitol Complex;
- advising the Legislature on the permanent display of busts, statues, memorials, monuments, or art displays within the Capitol Complex, including the executive residence and the original governor's mansion;
- advising the Department of Administration on interior decoration of the Capitol;
- advising the Department of Fish, Wildlife, and Parks on grounds maintenance and displays;

- advising the Department of Administration on policies governing maintenance and beautification of the capitol, executive residence, and original governor's mansion; and
- advising the Departments of Administration and Fish, Wildlife, and Parks on establishing and maintaining a long-range master plan for the orderly development of the Capitol Complex.

In addition, the Council must report to the Legislature, by November 15 of each year preceding a legislative session, on requests that it has reviewed for naming buildings and for permanently placing items in the Capitol or on the Capitol Complex grounds. The report must include a recommendation on whether reviewed requests meet certain statutory criteria. If a request meets the criteria, the Council must recommend a time frame during which the project should be authorized.

## Council Meetings

The Capitol Complex Advisory Council met three times in 2002. At the first meeting on May 29, 2002, the Council:

- Elected Arnold Olsen, Director of the Montana Historical Society as the Chairman;
- Reviewed the history and prior actions of the Council;
- Discussed the option of developing an "Art and Memorial Plan" to guide the Council in future decision-making;
- Discussed the need to propose amendments to the current statutes concerning the Council;
- Approved a work plan for subsequent 2002 meetings;
- Reviewed the list of proposals awaiting Council consideration;
- Heard an update on the activities of the Capitol Restoration Foundation;
- Discussed the need for a Curator for the Capitol Complex artwork and memorials; and
- Toured the Capitol to view where current art and memorials are located.

At the second meeting on September 10, 2002, the Council:

- Held a public hearing on all proposals under consideration by the Council;
- Reviewed a proposed "Art and Memorial Plan";
- Reviewed proposed legislation concerning the Council;
- Heard an update on the activities of the Capitol Restoration Foundation;
- Heard an update on the Montana Constitution Exhibit; and

- Heard an update on the Long Range Building Program by the Architecture and Engineering Division.

At the third and final meeting on October 10, 2002, the Council:

- Voted to adopt the proposed "Art and Memorial Plan";
- Voted to adopt the proposed legislation for submission to the 2003 Legislature; and
- Voted on current proposals as noted below.

| Topic | CCAC Vote |
|---|---|
| 1. Montana Constitution Exhibit, including original documents (as conservation allows) outside of the Secretary of State's office. | Include in joint resolution. |
| 2. Location of gallery of Outstanding Montanans – return Gallery to the wall niches of the Capitol's west wing wall. | Include in joint resolution. |
| 3. Naming of the Old Supreme Court Chambers for Francis Bardanouve; placement of a plaque inside the room and lettering on the outside of the doors. | To not include in joint resolution due to CCAC's proposed legislation that would require an individual be deceased at least 10 years before being memorialized. |
| 4. To add benches with plaques to the area near the pavers on the south side of the Capitol to commemorate donors to 1999-2001 Capitol Restoration. | Include in joint resolution. |
| 5. Location of Colonel Wilbur Fiske Sanders statue – to place the statue on the south landing of the second floor above the grand stair, alongside the Rankin statue. | Include in joint resolution. |
| 6. Acceptance of Carousel pony for temporary or permanent location in the Capitol or other state building. | To not include in joint resolution, but instead recommend that the group meet with the Dept. of Administration to locate the piece on a temporary basis at a location to be determined by the Department of Administration. |
| 7. Relocation of the Mansfield statue. | To not include in joint resolution. |
| 8. Add biographical descriptions to the portraits of former Governors. | Include in joint resolution. |
| 9. To place the "Nutter stone memorial" (from Wolf Creek site) on the south side of the Capitol near the pavers. | Include in joint resolution. |

| | |
|---|---|
| 10. Location of numerous plaques as recommended by the Montana Historical Society. See below for complete list. | To adopt the recommendations of the Montana Historical Society concerning numerous plaques, with the exception of the plaque commemorating women legislators until further research is completed on that plaque. Include applicable plaques in joint resolution. |
| a. 1902 Commissioning Plaque. | Leave in current location near former main entrance off the Rotunda. |
| b.. Commemoration of Capitol Wings Construction Plaques (2 sets) 1912. | Keep in Society storage. |
| c. 1964 Original Building Restoration Plaque. | Keep in Society storage. |
| d. Statehood Centennial Plaque, 1989. | Keep in Society storage. This action would supercede SJR12 from the 2001 Legislature which recommended permanent placement after a location was approved by CCAC. |
| e. Governor Nutter Memorial Plaque. | The text of this plaque will be incorporated into the biographical description which will be added to the portrait of Governor Nutter in the Governor's Office. The plaque from the Wolf Creek crash site will be placed on the south side of the Capitol near the pavers. See recommendation #8. |
| f. Governor Burns Smith Plaque. | The text of this plaque will be incorporated into the biographical description which will be added to the portrait of Governor Smith in the Governor's Office. See recommendation #8. |
| g. B.K. Wheeler Plaque. | This plaque from 1977 was replaced in 1994 with a more complete caption and is now located under the bust of Senator Wheeler in the Capitol. The first plaque will be disposed of by MHS. |
| h. William Clark Plaque, 1920. | Keep in Society storage. |

| | |
|---|---|
| i. Fred Whiteside Plaque. | Install outside of Press Room in Capitol. |
| j. Robert Wallace Plaque, 1904. | Keep in Society storage. |
| k. James Williams Plaque, 1907. | Keep at current location in Secretary of State's Office. |
| l. Women Legislators Plaque. | Keep in Society storage until further research is completed. |
| m. Memorial Day Orders. | Keep in Society storage. |
| n. 1972 Constitution Convention Plaque. | Incorporate into Montana Constitution Exhibit recommended for west wing hall near Secretary of State's Office. See recommendation #1. |
| o. Board of Examiners Plaque, 1958. | Keep in Society storage. |
| p. Senate Memorial Plaque. | Hold until further legislative and CCAC action. |
| q. House of Representatives Plaque. | Hold until further legislative and CCAC action. |

The Council's recommendations are contained in a draft joint resolution for legislative consideration in Appendix C. The Council's "Art and Memorial Plan" is contained in Appendix D. The Council's proposed legislation is contained in Appendix E. Minutes and handouts from all of the 2002 meetings are available by contacting the Department of Administration at 444-3315.

**Section 5. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 25, chapter 10, and the provisions of Title 25, chapter 10, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 46, chapter 18, and the provisions of Title 46, chapter 18, apply to [section 2].

**Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**Section 7. Effective date.** [This act] is effective on passage and approval.

Approved May 1, 1997

Appendix A

## CHAPTER NO. 476

[HB 123]

AN ACT PROVIDING FOR A CAPITOL COMPLEX MASTER PLAN ACT; CREATING A CAPITOL COMPLEX ADVISORY COUNCIL; SPECIFYING THE ADVISORY COUNCIL'S DUTIES; REQUIRING LEGISLATIVE APPROVAL FOR NAMING CERTAIN BUILDINGS AND ESTABLISHING CERTAIN PERMANENT DISPLAYS; REQUIRING THE DEPARTMENTS OF ADMINISTRATION AND FISH, WILDLIFE, AND PARKS TO MAINTAIN INVENTORIES OF IMPROVEMENTS; AND AMENDING SECTION 5-11-115, MCA.

*Be it enacted by the Legislature of the State of Montana:*

**Section 1. Short title.** [Sections 1 through 7] may be cited as the "Capitol Complex Master Plan Act".

**Section 2. Definitions.** As used in [sections 1 through 7], the following definitions apply: —.

(1) "Capitol complex" means the capitol building and all the state buildings within a 10-mile radius of the capitol building.

(2) "Council" means the capitol complex advisory council established in [section 3].

(3) "Legislative council" means the legislative council established in 5-11-101.

**Section 3. Capitol complex advisory council established — membership — staff services — compensation.** (1) There is a capitol complex advisory council.

(2) The council consists of nine members as follows:

(a) two members of the house of representatives appointed by the speaker on a bipartisan basis;

(b) two members of the senate appointed by the committee on committees on a bipartisan basis;

(c) a public representative appointed by the governor; and

(d) the director or the director's designee of each of the following agencies:

(i) the Montana historical society established in 22-3-101;

(ii) the Montana arts council established in 2-15-1513;

(iii) the department of administration established in 2-15-1001; and

(iv) the department of fish, wildlife, and parks established 2-15-3401.

(3) The council shall select a presiding officer, who may call meetings to conduct council business. The departments of administration and fish, wildlife, and parks shall provide staff services to the council.

(4) (a) The council member appointed under subsection (2)(c) is entitled to compensation not to exceed the amount provided for in 5-2-301(3) for compensation of legislators for each day in which the member is actually and necessarily engaged in performing council duties and to travel expense reimbursement as provided in 2-18-501 through 2-18-503.

(b) A council member designated under subsection (2)(d) is not entitled to compensation for services as a member of the council.

(c) A council member appointed under subsections (2)(a) or (2)(b) is entitled to compensation and expenses as provided in 5-2-302.

**Section 4. Council duties and responsibilities.** (1) The council shall:

(a) review proposals for permanent displays or the naming of state buildings in the capitol complex;

(b) advise the legislature on the placement of busts, statues, memorials, monuments, or art displays of a permanent nature within public areas of the capitol complex, including the executive residence and the original governor's mansion;

(c) advise the department of administration on interior decoration of the capitol; and

(d) advise the department of fish, wildlife, and parks on grounds maintenance and grounds displays.

(2) In advising the legislature on permanent displays, the council shall consider whether the bust, statue, memorial, monument, or art display:

(a) reasonably fits the master plan for the capitol and adjacent grounds developed under 5-11-115;

(b) adversely alters the appearance of the capitol or other capitol complex buildings;

(c) unreasonably affects foot traffic on the capitol complex;

(d) adversely impacts existing maintenance programs or the utility infrastructure;

(e) recognizes a person or event of statewide significance and relevance;

(f) has artistic merit in its design and construction;

(g) will be safely and aesthetically suited to its installation site; and

(h) has adequate funding for design, installation, and maintenance.

(3) By November 15 of each year preceding a legislative session, the council shall report to the legislature on requests that it has reviewed for naming buildings and for permanently placing items in the capitol or on the capitol complex grounds. The report must include a recommendation to the legislature on whether reviewed requests meet the criteria established by this section. If a request meets the criteria, the council shall recommend a timeframe during which the project should be authorized.

**Section 5. Approval for displays and naming buildings.** (1) A state building in the capitol complex may not be named after an individual, and a bust, statue, memorial, monument, or art display may not be permanently displayed in the capitol or on the capitol complex grounds unless the building name or display is approved by the legislature and complies with this section.

(2) A state building in the capitol complex may not be named after an individual unless the individual has been deceased for at least 5 years.

(3) All busts, statues, memorials, monuments, or art displays authorized, but not installed within 5 years of authorization, must be reauthorized.

**Section 6. Department of administration to establish policies on capitol.** The department of administration, with the advice of the council, shall establish policies governing maintenance and beautification of the capitol, executive residence, and original governor's mansion. The policies must provide that all historic furnishings original to the capitol remain in the building if an agency relocates and may designate appropriate wall, floor, and window coverings for the capitol. The Montana Administrative Procedure Act does not apply to [sections 1 through 7].

**Section 7. Inventory of improvements.** (1) The department of fish, wildlife, and parks shall maintain an inventory of commemorative displays, statues, artwork, plaques, and other improvements upon the grounds of the capitol complex, including the executive residence and original governor's mansion.

(2) The department of administration shall maintain an inventory of commemorative displays, statues, artwork, plaques, and other improvements in the capitol building.

(3) Both departments shall make their inventories available to the council.

**Section 8.** Section 5-11-115, MCA, is amended to read:

"**5-11-115. Function of department of administration — capitol area master plan — advice of *capitol complex advisory council and* legislative council.** (1) ~~The~~ *With advice from the council, the* ~~department~~ *departments* of administration *and fish, wildlife, and parks* shall establish and maintain a *long-range* master plan for the orderly development of state buildings in the immediate area of the capital city. The *long-range* master plan must be developed and maintained, with consideration given to the following factors:

(a) the needs of the state relative to the location and design of buildings to be constructed, purchase of land, parking facilities, traffic management, and landscaping;

(b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and Lewis and Clark County, based, without limitation, upon zoning regulations, population trends, and plans for rapid transit development; *and*

(c) any other factors that bear upon the orderly, integrated, and cooperative development of the state, the city of Helena, Lewis and Clark County, and state property in the immediate area of the capital city.

(2) The legislative council shall consult with and advise the department of administration concerning the assignment of space in the capitol.

~~(3) The legislative council shall consult with and advise the Montana historical society on the placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the capitol building. An item may not be permanently displayed unless approved by the legislature.~~

~~(4)~~ The Montana historical society shall protect and preserve the permanent artwork in the capitol ~~building~~ and request funding for periodic inspection, maintenance, and repair of the artwork from the trust fund established in 15-35-108 for protection of works of art in the state capitol and other cultural and aesthetic projects.

~~(5)~~*(4)* The legislative council shall serve as a long-range building committee to recommend to the legislature and the department of administration construction and remodeling priorities for the capitol."

**Section 9. Codification instruction.** (1) [Sections 1 through 7] are intended to be codified as an integral part of Title 2, chapter 17, and the provisions of Title 2, chapter 17, apply to [sections 1 through 7].

(2) Sections 2-17-109, 2-17-111, 2-17-113, 2-17-131, 5-11-115, and 5-11-116 are intended to be renumbered and codified as an integral part of [sections 1 through 7].

Approved May 1, 1997

# APPENDIX B

**CAPITOL COMPLEX ADVISORY COUNCIL**
**M EM B E R S**
Updated April 2002

Senator Tom Beck
792 Yellowstone Trail
Deer Lodge, MT 59722

Senator Ken Toole
PO Box 1462
Helena, MT 59624

Representative Larry Jent
506 E. Babcock St.
Bozeman, MT 59715-4714

Representative Elaine Sliter
PO Box 118
Somers, MT 59932

Sarah Etchart
801 Floweree
Helena, MT 59601

Scott Darkenwald, Director
Department of Administration
Mitchell Building Rm 155
PO Box 200101
Helena, MT 59620-0101

Doug Monger
Department of Fish, Wildlife & Parks
Parks Division
PO Box 200701
Helena, MT 59620-0701

Arnold Olsen
Montana Historical Society
222 North Roberts
PO Box 201201
Helena, MT 59620-1201

Jim Poor
Montana Arts Council
112 Humbolt Loop
Helena, MT 59601

# APPENDIX C

**_____ JOINT RESOLUTION**

**INTRODUCED BY: _____**

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA AUTHORIZING THE LONG-TERM DISPLAY OF CERTAIN BUSTS, STATUES, MEMORIALS, MONUMENTS, AND ART DISPLAYS IN THE CAPITOL.

WHEREAS, section 2-17-804 (1) (b), MCA, requires the Capitol Complex Advisory Council to advise the Legislature on the placement of busts, statues, memorials, monuments, or art displays of a permanent nature within public areas of the Capitol complex;

WHEREAS, the Capitol Complex Advisory Council met on three occasions in 2002, including holding a public hearing, to address proposals brought before it for consideration; and

WHEREAS, the Capitol Complex Advisory Council advises that the items listed in this resolution be placed in the Capitol on a long-term basis or retained in the locations indicated;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

1) That following busts, statues, memorials, monuments, and art displays be placed in the following locations:

   (a) The Montana Constitution Exhibit be placed for a period of up to 50 years, subject to renewal, in the hallway outside of the Secretary of State's Office on the second floor of the Capitol's west wing;

   (b) Two benches with plaques commemorating contributors of $1 million or more to the 1997-2000 Capitol Restoration be placed for up to 50 years, subject to renewal, on the south side of the Capitol, near the commemorative bricks.

   (c) The plaque commemorating Governor Nutter, formerly located at the site of the airplane crash near Wolf Creek, Montana, be located on the south side of the Capitol, near the commemorative bricks for up to 50 years, subject to renewal;

(d) Biographical descriptions of all of Montana's Governors be added near the portraits of the former Governors located outside of the Governor's Reception Room;

(e) The statue of Colonel Wilbur Fiske Sanders be placed on the south landing of the second floor of the Capitol above the grand stair, alongside the statue of Jeanette Rankin for up to 50 years, subject to renewal;

(f) The Gallery of Outstanding Montanans be permanently located in the Capitol's west wing hall on the second floor;

(g) The 1902 Commissioning Plaque be retained in the current location near the main entrance area off the Rotunda in the Capitol for up to 50 years, subject to renewal;

(h) The Fred Whiteside Plaque be placed outside of the current "Press Room" in the Capitol for up to 50 years, subject to renewal; and

(i) The 1972 Constitution Convention Plaque be placed with the Montana Constitution Exhibit near the Secretary of State's Office for up to 50 years; subject to renewal.

(2) That all busts, statutes, memorials, monuments, and art displays not identified in this resolution that may have been associated with the Capitol be entrusted to the Montana Historical Society for storage or temporary display until a suitable location is identified and recommended by the Capitol Complex Advisory Council and approved by the Legislature for long-term placement.

- End -

# APPENDIX D

# ART AND MEMORIAL PLAN:

# GUIDELINES FOR THE PLACEMENT OF ART AND MEMORIALS IN THE MONTANA STATE CAPITOL AND ON THE CAPITOL COMPLEX GROUNDS

---

**Section 1. Purpose**

In accordance with section 2-17-804, MCA, proposals to place art, busts, monuments, memorials, and statues on a long-term basis in the public space of the Capitol Complex buildings and on the Capitol Complex grounds are subject to the approval of the Capitol Complex Advisory Council and the Montana Legislature. The Council has adopted the following Guidelines to govern the approval process. The purpose of these Guidelines is to:

1. Recognize the State Capitol as Montana's most valuable public building and a work of art in itself;

2. Ensure the preservation of the existing Capitol Complex art work and memorials for future generations;

3. Preserve the 1997-2000 historical renovation of the State Capitol which focused on the historical accuracy of the renovation, unobstructed vistas, specific qualities inherent in the choice of building materials, and a recognition of the form of the building itself, rather than additional ornamentation;

4. Avoid any structural changes to the State Capitol to accommodate art work or memorials;

5. Consider placement of art objects in relation to lighting, materials, colors, and textures of the adjacent conditions;

6. Ensure that art works and memorials reflect subjects of enduring statewide significance for the people of Montana;

7. Preserve the beauty and dignity of the State Capitol and the Capitol Complex grounds;

8. Protect and maintain open space at the State Capitol and the Capitol Complex grounds;

9. Conserve options for placement of art works and memorials by future generations;

10. Ensure that proposals for art works and memorials are fully and fairly considered using a deliberate process, acknowledging the unique environment in which they are to be placed;

11. Ensure that current and future art works and memorials are adequately maintained for the duration of their placement;

12. Comply with the Montana State Antiquities Act in sections 22-3-421 through 22-3-442, MCA; and

13. Comply with the requirements of section 2-17-804, MCA.

---

**Section 2. Definitions**

As used in these Guidelines, the following definitions apply:

1. **"Art and Memorial Plan"** means the plan for the long-term placement or alteration of art, memorials, plaques, statues, busts, displays, or monuments in the Capitol Complex and Capitol Complex grounds;

2. **"Capitol Complex"** means the capitol building and all the state buildings within a 10-mile radius of the capitol building as established in section 2-17-802, MCA;

3. **"Council"** means the Capitol Complex Advisory Council established in section 2-17-803, MCA;

4. **"Department"** means the Department of Administration;

5. **"Director"** means the director of the Department of Administration, who is also a member of the Council, and whose employees serve as the principal staff for the Council;

6. **"Living Memorial"** includes new or replacement trees, shrubs, gardens, or other plantings commemorating an individual or event;

7. **"Long-term Display"** means any placement or alteration of a statue, monument, sculpture, plaque, work of art, memorial, or other structural or landscape feature, including a garden or memorial grove, having a

significant impact on its surroundings. The impact of the Work is determined by an evaluation of the combined effect of its subject matter, size, placement, and the degree to which it affects the environment into which it is set. A Long-term Display is to remain in place for a period up to 50 years, subject to renewal if approved by the Council and the Legislature.

8. **"Proposing Entity"** means any individual or group seeking to place a Long-term Display or Temporary Display at the State Capitol Complex or on the Capitol Complex grounds;

9. **"Public Space"** means areas open to the public which are not part of the immediate offices of any government agency or elected office;

10. **"State Capitol"** means the capitol building;

11. **"Temporary Display"** means a display that is intended to be shown during a specific event or to be placed in the Capitol Complex or on the Capitol Complex grounds for one year or less; and

12. **"Work"** means either a Long-term Display or a Temporary Display.

---

**Section 3. Cost Considerations**

1. All development and installation costs of a Long-term Display or a Temporary Display, including required modifications and improvements to roads, sidewalks, utilities, building structure, climate control, etc., shall be provided by the Proposing Entity.

2. Prior to construction or installation of an approved Long-term Display or a Temporary Display, the Director shall determine that the Proposing Entity has sufficient funds available to complete the project. The Proposing Entity shall also make provisions to cover all maintenance and repairs costs throughout the existence of the Work. This is commonly accomplished through an endowment fund estimated at 10 percent of the original project cost, or may be set at an amount determined by the Director. If a Long-term Display or a Temporary Display is incorporated into a state-funded repair or improvement, an agreement will be negotiated between the Proposing Entity and the State specifying how the project costs, including construction, maintenance, and repairs, will be shared.

---

## Section 4. Long-Term Displays

1. **Approval by Council**. All proposals for a Long-term Display, including site selection and design, are subject to the approval of the Council and final approval by the Legislature. The Council may request assistance and advice in its evaluation from the Department, the Montana Historical Society, the Montana Arts Council, and the Department of Fish, Wildlife, and Parks.

2. **Alternatives to Long-Term Display Proposals.** Before accepting proposals for a Long-term Display, the Council will:

   a. Encourage the Proposing Entity to consider alternatives to a Long-term Display, such as a Living Memorial;
   b. Encourage groups with related or similar interests to combine proposals;
   c. Encourage the Proposing Entity to consider a Temporary Display or a temporary placement in the Capitol Complex with permanent placement at another site; and
   d. Promote cooperation with local authorities to develop opportunities for placement of Works outside the State Capitol and Capitol Complex, but within the community of Helena.

3. **Steps for Submission and Review of Long-Term Display Proposals.** The following steps apply to all proposed Long-term Displays:

   **Step 1. Preliminary Proposal Submission**. To have a Long-term Display considered, the Proposing Entity must first contact the Department of Administration for an Application for Placement of a Long-Term Display form. The Proposing Entity, through the Department of Administration, must submit this application for a preliminary proposal to the Council.

   a. The preliminary proposal must:

      (1) Describe the general concept and subject matter;
      (2) Describe how the proposal meets these Guidelines;
      (3) Estimate the anticipated cost of the Long-term Display, including all development and installation costs and any required modifications and improvements to sidewalks and utilities;
      (4) Identify planned sources of funding, and
      (5) Designate a single contact person.

   b. The preliminary proposal should also address:

(1) **Site Selection.** In suggesting a site, a Proposing Entity should address the following:

(a) **Setting.** The space surrounding a Long-term Display should provide a setting that is compatible and supportive. In turn, the Long-term Display should be supportive of the surrounding design and public functions, including any applicable part of the Art and Memorial Plan.

(b) **Size and Scale.** There should be coordination between the size and scale of the Long-term Display and its setting.

(c) **Relationship to Existing Long-term Displays or Features.** The Long-term Display should not be of such size, scale or material as to interfere with any existing Long-term Display or feature.

c. **Design Description.** In proposing a design for a Long-term Display, a Proposing Entity should include a description of how the proposed Long-term Display design considers and responds to each of the following:

(1) **Legibility and Meaning.** The intended message of the Long-term Display should be clear and understandable and convey meaning that will have significance to future generations.

(2) **Approachability and Accessibility.** The Long-term Display should be accessible and engaging. Because a Long-term Display is often a gathering point, it should be designed to meet all applicable Americans with Disabilities Act standards.

(3) **Subject.** Art works and memorials should reflect subjects of enduring statewide significance for the people of Montana.

(4) **Materials.** Materials should be chosen for durability, visibility, compatibility, and maintainability.

The Council reserves the right to consider additional issues as may become necessary or relevant to its review.

**Step 2. Initial Review.** When a preliminary proposal is submitted, the Council will review the preliminary proposal to determine if it meets these Guidelines. At the option of the Council, this initial review may be done by the Department. If the preliminary proposal does not meet the Guidelines, the Proposing Entity will be so advised.

**Step 3. Initial Briefing.** If the preliminary proposal meets these Guidelines, the Council may request that the spokesperson for the Proposing Entity provide an initial briefing.

**Step 4. Council Decision on Preliminary Proposal.** After the initial briefing, the Council shall:

a. Approve the preliminary proposal and advise the Proposing Entity to proceed in accordance with these Guidelines;
b. Request further consideration by the Director or the Council;
c. Request that the Proposing Entity reconsider or refine its proposal and resubmit it; or
d. Deny approval.

**Step 5. Final Design Selection.** When a preliminary proposal has been approved by the Council, the Proposing Entity shall proceed with final design selection if applicable. In making final design decisions, the Proposing Entity may consult with the Council or the Department.

**Step 6. Final Proposal.** The Proposing Entity must submit a final written proposal to the Council that details the proposal's adherence to these Guidelines. The final proposal must include a scale drawing, illustration or a scale model of the Long-term Display.

**Step 7. Final Review.** The final proposal shall be reviewed by the Council. At the option of the Council, the spokesperson for the Proposing Entity may present the final proposal to the Council.

**Step 8. Council Decision on Final Proposal.** The Council shall:

a. Grant final approval, subject to the approval of the Legislature;
b. Request that the Proposing Entity work with the Department, the Montana Arts Council, the Department of Fish, Wildlife, and Parks and/or the Montana Historical Society to refine, redevelop, and resubmit the proposal; or
c. Deny approval.

At any time after final approval by the Legislature, the Council may require progress updates.

At no time throughout the approval process is the Council or the State responsible for any costs associated with asking a Proposing Entity to refine, redevelop, or resubmit its proposal.

---

## Section 5. Temporary Displays

1. Approval and coordination of Temporary Displays in the Capitol Complex will be made by the Director. A Proposing Entity must contact the Department by phone or in writing to request permission to set up a Temporary Display. If approved, the Department will work with the Proposing Entity to locate a suitable area in the Capitol Complex for the Temporary Display for a period not to exceed one year.

---

## Section 6. Living Memorials

1. A Proposing Entity must present requests for Living Memorials to the Department of Fish, Wildlife, and Parks. Living Memorials are not subject to the approval of the Council unless the request will have a significant impact on the Capitol Complex grounds. At the discretion of the Council, a request for a Living Memorial may be subject to the approval of the Legislature.

2. Selection of plant types shall be the responsibility of the Department of Fish, Wildlife and Parks for compatibility with landscape plans and existing plantings. The replacement of existing, aging, or ailing trees and shrubs in lieu of new plantings is encouraged. If a Living Memorial dies, the Department of Fish, Wildlife and Parks will decide whether or not it is replaced. If desired, Living Memorials dedicated to individuals may be marked by a small, ground level plaque with appropriate language. The cost of the Living Memorial, including the commemorative plaque, is the responsibility of the Proposing Entity.

---

## Section 7. Removal or Relocation of Art Work or Memorials

1. The Council reserves the right to relocate or remove any Long-term Display, subject to the approval of the Legislature. A public hearing will be held by the Council prior to recommending the relocation or removal of any Long-term Display.

2. Beginning in fiscal year 2005, and for at least every 15 years thereafter, the Council shall review all Long-term Displays in the Capitol Complex or on the Capitol Complex grounds to evaluate compliance with the purposes of the Art and Memorial Plan.

3. At the time of the above-referenced review, the Council will consider the historical significance and artistic quality of the Long-term Display. Those not meeting four of the following six criteria will be recommended to the Legislature for removal or relocation:

a. The art work or memorial is significant to the history of Montana;
b. The art work or memorial fits within the Art and Memorial Plan;
c. The art work or memorial enhances the esthetics of the State Capitol;
d. The art work or memorial is in good condition;
e. The art work or memorial is protected from environmental damage from sunlight, direct airflow, humidity, etc., and
f. A better location for the art work or memorial has been determined.

4. The State will assume the costs associated with the removal or relocation of the art work or memorial.

5. An art work or memorial identified for relocation will be moved to another location in the State Capitol, moved to an exterior site on the Capitol Complex grounds, or moved to another state building or grounds location. If the art work or memorial is relocated to a site within the Capitol Complex or on the Capitol Complex grounds, it will be coordinated with the Art and Memorial Plan.

---

**Section 8. Rights to Ownership of Acquired Long-term Displays**

Upon final placement and completion of an art work or memorial that has been donated for display at the Capitol Complex or on the Capitol Complex grounds, the State, through the Montana Historical Society, shall become the sole owner of the art work or memorial. The original artist or designer shall hold no rights to any art work or memorial commissioned, donated, or purchased for display at the Capitol Complex or on the Capitol Complex grounds, including reproduction, access, modification, relocation or resale unless the following rights are specifically allowed in a formal written agreement between the State and the artist::

1. The right to claim authorship of the art work or memorial;

2. The right to have the artist's name associated with the art work or memorial; and

3. The right to prevent degradation, mutilation, or aesthetic ruining of the art work or memorial.

---

## Section 9. Records

1. The Montana Historical Society shall maintain a written record of all Long-term Displays for the Council.

2. Complete conservation and curatorial records, including specific information on the selected artist, materials and sources used in the execution, methods of fabrication, installation specifications, and recommended method and frequency of maintenance, shall be provided to the Council by the Proposing Entity upon completion of all Long-term Displays.

---

## Section 10. Art Work or Memorials in Other Public Buildings

1. A specific state agency or office shall have the authority to decide which art works or memorials, directly associated with its activities, will be installed in its main or subordinate office space, excluding public spaces.

2. A current elected official housed in the State Capitol shall have the authority to decide which art works or memorials are displayed in their lobby, except that the portraits of past Governors will be displayed in the lobby outside of the main Governor's Reception Room unless a new location is approved by the Council.

---

## Section 11. Capitol Curator

In order to ensure the preservation of the existing and future Capitol Complex art work and memorials for future generations, the Council supports the permanent assignment of a Curator for the Montana State Capitol Complex. This position will be under the supervision of the Montana Historical Society.

# APPENDIX E

*** Bill No. ***

Introduced By *********

By Request of the Capitol Complex Advisory Council

A Bill for an Act entitled: "An Act to generally revise the provisions of law relating to the capitol complex advisory council; to direct the council to establish an art and memorial plan to control the placement of art and memorials in the capitol complex buildings and on the capitol complex grounds; to authorize the department of administration to approve temporary displays in the capitol complex buildings or on the capitol complex grounds; and to change the agency responsible for maintaining an inventory of art and memorials in the capitol complex; amending sections 2-17-803, 2-17-804, 2-17-805, 2-17-807, and 2-17-812 MCA.

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 2-17-803, MCA, is amended to read:

"**2-17-803. Capitol complex advisory council established -- membership -- staff services -- compensation.** (1) There is a capitol complex advisory council.

(2) The council consists of nine members as follows:

(a) two members of the house of representatives appointed by the speaker on a bipartisan basis;

(b) two members of the senate appointed by the committee on committees on a bipartisan basis;

(c) a public representative appointed by the governor; and

(d) the director or the director's designee of each of the following agencies:

(i) the Montana historical society established in 22-3-101;

(ii) the Montana arts council established in 2-15-1513;

(iii) the department of administration established in 2-15-1001; and

(iv) the department of fish, wildlife, and parks established in 2-15-3401.

(3) The council shall select a presiding officer, who may call meetings to conduct council business. The departments of administration and fish, wildlife, and parks shall provide staff services to the council and share the financial responsibilities associated with the council.

(4) (a) The council member appointed under subsection (2)(c) is entitled to compensation not to exceed the daily allowance provided for in 5-2-301(3) for compensation of legislators for each day in which the member is actually and necessarily engaged in performing council duties and to travel expense reimbursement as provided in 2-18-501 through 2-18-503.

(b) A council member designated under subsection (2)(d) is not entitled to compensation for services as a member of the council.

(c) A council member appointed under subsection (2)(a) or (2)(b) is entitled to compensation and expenses as provided in 5-2-302."

{*Internal References to 2-17-803:*

**Section 2.** Section 2-17-804, MCA, is amended to read:

"**2-17-804. Council duties and responsibilities.** (1) The council shall:

(a) establish an art and memorial plan to control the placement of art and memorials for the capitol complex buildings and grounds;

~~(a)~~ (b) review proposals for ~~permanent~~ long-term displays of up to 50 years, subject to renewal, for the capitol complex buildings and grounds ~~or~~ and the naming of state buildings, spaces, and rooms in the capitol complex;

~~(b)~~ (c) advise the legislature on the placement of busts, statues, memorials, monuments, or art displays of a ~~permanent~~ long-term nature within public areas of the capitol complex buildings and grounds, including the executive residence and the original governor's mansion;

~~(c)~~ (d) advise the department of administration on interior decoration of the capitol; and

~~(d)~~ (e) advise the department of fish, wildlife, and parks on grounds maintenance and grounds displays.

(2) In advising the legislature on ~~permanent~~ long-term displays, the council shall consider whether the bust, statue, memorial, monument, or art display:

(a) reasonably fits the long-range master plan for the capitol and adjacent grounds developed under 2-17-805;

(b) adversely alters the appearance of the capitol or other capitol complex buildings;

(c) unreasonably affects foot traffic on the capitol complex;

(d) adversely impacts existing maintenance programs or the utility infrastructure;

(e) recognizes a person or event of statewide significance and relevance;

(f) has artistic merit in its design and construction;

(g) will be safely and aesthetically suited to its installation site; and

(h) has adequate funding for design, installation, and maintenance.

(3) By November 15 of each year preceding a legislative session, the council shall report to the legislature on requests that it has reviewed for naming buildings, spaces, and rooms and for ~~permanently~~ placing items in the capitol complex buildings or on the capitol complex grounds on a long-term basis. The report must include a recommendation to the legislature on whether reviewed requests meet the criteria established by this section and set out in the art and memorial plan. If a request meets the criteria, the council shall recommend a timeframe during which the project should be authorized.

(4) Any artwork commissioned or purchased by the council is exempt from the provisions of Title 18."

{*Internal References to 2-17-804: None* }

**Section 3.** Section 2-17-805, MCA, is amended to read:

"**2-17-805. Function of department of administration -- capitol area master plan -- advice of capitol complex advisory council and legislative council.** (1) With advice from the council, the departments of administration and fish, wildlife, and parks shall establish and maintain a long-range master plan for

the orderly development of state buildings in the immediate area of the capital city. The long-range master plan must be developed and maintained, with consideration given to the following factors:

(a) the needs of the state relative to the location and design of buildings to be constructed, purchase of land, parking facilities, traffic management, and landscaping;

(b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and Lewis and Clark County, based, without limitation, upon zoning regulations, population trends, and plans for rapid transit development; and

(c) any other factors that bear upon the orderly, integrated, and cooperative development of the state, the city of Helena, Lewis and Clark County, and state property in the immediate area of the capital city.

(2) The legislative council shall consult with and advise the department of administration concerning the assignment of space in the capitol.

(3) The Montana historical society shall protect and preserve ~~the~~ all publicly held permanent artwork in the capitol complex and request funding for periodic inspection, maintenance, and repair of the artwork from the trust fund established in 15-35-108 for protection of works of art in the state capitol and other cultural and aesthetic projects.

(4) The legislative council shall serve as a long-range building committee to recommend to the legislature and the department of administration construction and remodeling priorities for the capitol."

{*Internal References to 2-17-805:*
*2-17-804 x 2-17-825 x* }

**Section 4.** Section 2-17-807, MCA, is amended to read:

"**2-17-807. Approval for displays and naming buildings, spaces, and rooms.** (1) A state building, space, or room in the capitol complex may not be named after an individual, and a bust, statue, memorial, monument, or art display may not be ~~permanently~~ displayed on a long-term basis in the capitol complex buildings or on the capitol complex grounds unless the building name or display is approved by the legislature and complies with ~~this section~~ the art and memorial plan established by the council.

(2) A state building, space, or room in the capitol complex may not be named after an individual unless the individual has been deceased for at least ~~5~~ 10 years. A bust, statue, memorial, monument or art display may not commemorate an individual unless the individual has been deceased for at least 10 years. A bust, statue, memorial, monument or art display may not commemorate an event, including a military event, until after the 10th anniversary of the end of the event.

(3) All busts, statues, memorials, monuments, or art displays authorized, but not installed within 5 years of authorization, must be reauthorized.

(4) The department of administration is authorized to review and approve all temporary displays of up to one year in the capitol complex buildings and on the capitol complex grounds."

{*Internal References to 2-17-807: None* }

**Section 5.** Section 2-17-812, MCA, is amended to read:

"**2-17-812. Inventory of improvements**. (1) The department of fish, wildlife, and parks shall maintain an inventory of commemorative displays, statues, artwork, plaques, and other improvements upon the grounds of the capitol complex, including the executive residence and original governor's mansion.

(2) The ~~department of administration~~ Montana historical society shall maintain an inventory of all publicly held commemorative displays, statues, artwork, and plaques~~, and other improvements~~ in the capitol complex ~~building~~ buildings.

(3) Both ~~departments~~ agencies shall make their inventories available to the council."

{*Internal References to 2-17-812: None* }

-END-